IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

REVIEW PETITION NO.103 OF 2004
IN
WRIT PETITION NO. 1835 OF 2002

Smt. Laxmibai Marutrao Sardesai
and Ors. ....Petitioners.

V/s

The State of Maharshtra & Ors. ....Respondents.

Mr. G.R. Rege with Mr. S.M. Railkar for the petitioners.

None for the respondents.

CORAM: V G. PALSHIKAR, Ag. C.J.
&
V. M. KANADE, J.

DATE: 25th January, 2006

P.C.:

1. By this Review Petition, petitioner seeks review of the order passed by this Court on 4th August, 2004 in Writ Petition No. 1835 of 2002. In this Writ Petition, the petitioner made following prayers:-

"(a) Rule be issued and Record &

Proceedings be called for.

(b) Order dated 9th August 2001

being Outward No.31/2001-02, Exhibit ‘J’ to the Petition be quashed and set aside.

(c) The Respondents be directed to issue transit passes as per the letter dated 5th March 2001, Exhibit ‘H’ to this Petition.

(d) Pending hearing and final disposal of this Petition the Petitioners be permitted to remove the felled material as per the contents of the letter dated 5th March 2001, Exhibit ‘H’ to the Petition.

(d) Petitioners be provided with costs.

(e) Such other and further reliefs as this Hon’ble Court may deem fit be granted to the Petitioners."

Prayer (c) is for direction to the respondents to

issue transit passes as per the letter dated 5/3/2001 which is Exhibit-H to the Petition.

2. In the Writ Petition para 22 reads thus:-

> "22. The Petitioners state that the felled material has been lying for sufficiently long time and if the same is not removed and used it will disintegrate and will fetch no value."

3. This Writ Petition was filed in 2002 and the order under review was passed two and half years thereafter when it was noticed from the facts that the wood is either destroyed or perished or is not traceable and this factual position was disputed by the petitioner. We are now called upon to review this judgment on the basis of document at page 9 of the Review Petition in which it is averred that the wood is still available. That letter of 3rd August 2004 states that there is no question of giving transit pass for wood which is confiscated and it states that the wood is kept in Sulgaon Nursery and it pertains to

4. From the the prayer abovesaid, Exhibit-H is of 5th March, 2001 and the wood is seized even prior thereto. The identity of the wood in Sulgaon Nursery as that of the petitioner only is not established even by this document. There is, therefore, no error apparent on the face of record which requires review of the earlier order.

5. Review Petition is rejected. Civil Applications, if any, are disposed of.